

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31108 of 2022**

Arising Out of PS. Case No.-67 Year-2022 Thana- JANDAHA District- Vaishali

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KAMLESH KUMAR @ KAMLESH KUMAR SAHNI S/o Ramsagar Sahni  
Resident of Village- Chadani, P.S.- Ujiwarpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ranjit Kumar Thakur  
For the Opposite Party/s : Mr.Abhay Kumar

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      08-08-2022                      Let the defect(s), as pointed out by the office, be  
  
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and  
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with  
Jandaha P.S. Case No. 67 of 2022 registered for the offences  
punishable under Sections 30(a), 38, 41(1) of the Bihar  
Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery  
of 86.895 litre foreign liquor from Hundai Centro Car in  
question and two co-accused persons were apprehended on the  
spot. Co-accused disclosed that petitioner used to help them in  
business of selling liquor.

Learned counsel for the petitioner submits that



petitioner is in custody since 24.04.2022 and bears criminal antecedent of three case of similar nature in which he is on bail on one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that petitioner has neither concern with the seized car in question nor does the liquor belong to him and petitioner was not apprehended on spot. It has been further submitted that petitioner has been falsely implicated in this case on the basis of the confessional statement of the co-accused. No incriminating article has been recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration that petitioner was not apprehended on spot and the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Exclusive Special Excise Court No. 1-cum-Additional District and Sessions Judge, Vaishali, Hajipur in connection with Jandaha P.S. Case No. 67 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Alok Kumar Pandey, J)**

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